

DEPARTMENT OF ENVIRONMENTAL QUALITY
STATE OF WYOMING

NOTICE OF VIOLATION

IN THE MATTER OF THE NOTICE OF)
VIOLATION ISSUED TO:)

Mr. John Sulenta)
Sulenta, LLC)
P.O. Drawer F)
Pinedale, WY 82941)

DOCKET NUMBER 4556-09

And)

Mr. Mike Denison)
First Energy Services Company)
P.O. Box 37)
LaBarge, WY 83123)

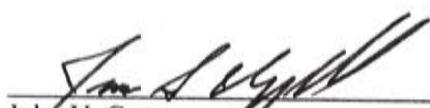
Re: Mine Permit No. 606)

NOTICE IS HEREBY GIVEN THAT:

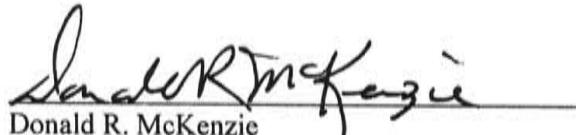
1. This Notice of Violation is being sent to you pursuant to Wyoming Statute §35-11-701(c) (i) which requires that a written notice shall be issued in the case of failure to correct or remedy an alleged violation.
2. Mine permit no. 606 is located in Lincoln County near Fontenelle, Wyoming and encompasses approximately 81 acres in sections 6 and 7, T.23N., R.111W.
3. Sulenta LLC is the permittee (holder of mine permit no. 606), and First Energy Services Company is a licensee (holder of license to mine no. 606-L3) under mine permit no. 606.
4. An inspection of this mine was conducted on August 25, 2009 by Land Quality Division staff. During this inspection it was observed that a substantial quantity of topsoil had recently been removed from the large topsoil stockpile located along the western permit boundary and apparently hauled from the mine site.
5. W.S. § 35-11-415(b) requires that all topsoil be salvaged and preserved for use in reclamation. WDEQ-LQD Non-Coal Rules & Regulation, Chapter 3, Sec.2(c)(1)(A) likewise requires that all topsoil be salvaged, stockpiled and saved for reclamation purposes.
6. Wyoming Statute §35-11-901(a) provides that any person who violates any provision of the Environmental Quality Act or any rule, standard, permit, license or variance adopted hereunder is liable to a penalty of ten thousand dollars (\$10,000.00) for each day of violation, which penalty may be recovered in a civil action brought by the Attorney General in the name of the People of the State of Wyoming.

NOTHING IN THIS NOTICE shall be interpreted to in any way limit or contravene any other remedy available under the Environmental Quality Act, nor shall this order be interpreted as being a condition precedent to any other enforcement action.

SIGNED this 11th day of September, 2009.



John V. Corra
Director
Department of Environmental Quality



Donald R. McKenzie
Administrator
Land Quality Division

Please direct all inquiries regarding this Notice of Violation to Mr. Mark Moxley, Land Quality Division District II Supervisor, 510 Meadowview Dr., Lander, WY 82520, telephone 307-332-3047.